IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.578 OF 1992

The State of Maharashtra
at the instance of Divisional
Security Commissioner, R.P.F.
Bhusawal. ...Appellant.

V/s

Prahlad Hiradas Bairagi
Age 48, Occ: Business
R/o Phule Market, Near
M.G. Chauk, Nandgaon,
Dist - Nasik. ...Respondent.

Mr. D.P. Adsule, APP for the appellant.

None for the respondent.

CORAM: V.M.KANADE,J.
DATE: 9th December, 2004

ORAL JUDGMENT:

1. Heard the learned APP for the appellant - State.

None appears for the respondent.

2. State is challenging the Judgment and Order passed by the Sessions Judge, Malegaon, Nashik in Criminal Appeal No.47 of 1990 whereby the Lower Appellate Court acquitted the accused of the offence punishable under section 3(a) of the R.P. (U.P.) Act, 1966.

3. By this appeal State is seeking enhancement of punishment imposed by the Trial Court on the respondent. The Trial Court convicted the respondent

- accused for having committed an offence under section 3(a) of the R.P.(U.P.) Act, 1966 and sentenced him to suffer one day simple imprisonment till rising of the Court and imposed a fine of Rs 3000/- and, in default, to suffer R.I. for 8 months. Lower Appellate Court, however, acquitted the respondent of the said offence.

4. In my view considering the reasons given by the Lower Appellate Court for acquitting the accused of the offence punishable under section 3(a) of the R.P. (U.P.) Act, 1966, I do not see any reason to interfere with the said Judgment and Order of the Lower Appellate Court particularly after the lapse of nearly 17 years. Appeal is accordingly dismissed.

V.M. KANADE, J.